



# Republican Fact Sheet

Duncan Hunter, Ranking Republican

House Armed Services Committee | Republicans.ArmedServices.house.gov | 202-226-8980

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## Highlights of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009

The final version of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 authorizes \$531.4 billion in budget authority for the Department of Defense (DoD) and the national security programs of the Department of Energy. Additionally, the legislation authorizes \$68.6 billion in supplemental funding to support operations in Iraq, Afghanistan, and elsewhere in the Global War on Terrorism for the first few months of Fiscal Year 2009.

**Background.** The House of Representatives passed H.R. 5658, the National Defense Authorization Act for Fiscal Year 2009, on May 21, 2008. The Senate passed its version of the legislation, S. 3001, on September 17, 2008. Due to the Senate's inability to gain approval to appoint conferees, the full House will consider S. 3001 as amended in place of a traditional conference report. Republican and Democratic Members of the House Armed Services Committee, Senators from the Senate Armed Services Committee, and staff from both committees—as well as members and staff from other committees with jurisdiction—have reconciled the differences between the two competing pieces of legislation. The S. 3001 as amended reflects the negotiated outcomes, does not include any out-of-scope (air-dropped) provisions, and conforms to House Republican earmark standards.

Relevant information about the legislation, including the mandatory transparency tables, is available at <http://armedservices.house.gov/>.

During the short window to negotiate the final legislation, Republicans were successful in their attempts to strengthen specific provisions while stripping or weakening Democrat policies or programs that might harm America's Armed Forces or draw a veto from the President. Highlights of the final legislation include:

### ACQUISITION POLICY

- Subsequent to a ruling by the World Trade Organization on all pending disputes regarding **illegal subsidies for large commercial aircraft**, the Secretary of Defense would be required to review the impact of such a ruling on the KC-45 Aerial Refueling Tanker Program.
- Requires the Secretary of Defense to issue guidance on the appropriate use of **existing authorities to limit competition for a major defense acquisition program** in order to preserve or maintain a domestic industrial base.
- Provides the authorities recommended by the **Gansler Commission** to improve the quality, number, and promotion potential for members of the acquisition workforce.
- Requires standardization and streamlining of government-wide policies and definitions relating to **inherently governmental functions, personal conflicts of interests at contractor organizations**, and other matters.
- Codifies the use of **configuration steering boards** and places additional limits on cost and schedule growth for certain developmental programs.
- Provides a **Sense of Congress that in ordinary circumstances, security operations in highly hazardous and threatening environments are best accomplished by military forces**. Also expresses the Sense of Congress that the military commander in a combat operation should have discretion to identify activities that are to be performed exclusively by the military or government civilians.
- Establishes a **Contingency Contracting Corps** on a government-wide basis.

## AIRCRAFT

- **Annual long-term plan for the procurement of aircraft for the Navy and Air Force.** In light of several recent forecasts of fighter shortfalls in the Department of Defense, the bill requires the Secretary of Defense to submit an annual long-term plan to project aircraft procurement, inventories, retirements, and losses for a 30-year period. The bill also requires the Secretary to provide a risk assessment—made in conjunction with the combatant commanders—should funding be insufficient to sustain the required aviation force structure.
- **C-17.** The bill provides \$2.1 billion for an additional 6 C-17's to support intra-theater airlift requirements and meet the airlift needs for the increased end strength in the Army and Marine Corps.
- **F-22.** The final bill authorizes the President's budget request of \$2.9 billion for 20 F-22A aircraft in Fiscal Year 2009. The legislation also includes \$523 million for advanced procurement for 20 F-22A aircraft in Fiscal Year 2010—ensuring that the line will stay open. The bill prohibits the obligation of more than \$140 million of that amount until the next President decides whether continuing or terminating production would be in the best interest of the United States.
- **Joint Strike Fighter (JSF) Competitive Engine.** The final defense bill includes \$247.5 million in funding for the JSF competitive engine.
- **Joint Cargo Aircraft (JCA).** The bill includes a provision that prohibits the use of operations and maintenance funding to acquiring support equipment, initial spares, simulators, systems engineering, and post-production modifications—items which should be funded using procurement or research, development, test, and evaluation funding.
- **Future F-18 Procurement.** The agreement includes as provision that requires the Secretary of the Navy to examine F-18 aircraft requirements and recommend whether Congress should authorize a multi-year contract to purchase F-18 aircraft. Should such a recommendation be made, the bill directs the Secretary to provide necessary certifications so as to enable award of a multi-year procurement contract beginning in 2010.
- **KC-135E Retirements.** The final bill includes a provision requiring a minimum of 74 of the KC-135E's that have been retired be kept in "Type-1000" storage.
- **Commonality of Intelligence, Surveillance, and Reconnaissance Ground Stations and Payloads.** The bill includes a provision that requires the Secretary of Defense to establish a policy to obtain an objective of commonality in intelligence, surveillance, and reconnaissance payloads and ground stations.

## GENERAL PROVISIONS

- Requires the intelligence community to report regularly to Congress on the **Islamic Republic of Iran's capability to produce nuclear weapons.**
- Enhances certain **Department of Defense authorities to train and equip foreign forces**, lend needed equipment to coalition partners, provide limited funds to the Department of State for security and stabilization efforts, and allow Defense Department officials to work more closely with their foreign counterparts.
- Advances progress on improving cooperation and coordination among several national security-related federal departments and agencies by **establishing a standing advisory panel with participation from the Department of Defense, Department of State, and the United States Agency for International Development (USAID) and by creating a Center for Complex Operations** to help foster unity of effort among U.S Government, foreign, and non-governmental personnel.
- Provides additional authority for the President to provide **reconstruction or stabilization assistance to a foreign nation or region** and, in support of such efforts, authorizes the Department of State to **establish an Office of the Coordinator for Reconstruction and Stabilization, a readiness response corps, and a civilian reserve corps.**
- Requires the Secretary of Defense to submit to Congress a separate display of any **annual or supplemental budget request for operations of the Department of Defense in Afghanistan and Iraq.**

- Requires the Secretary of Defense to report on any efforts to **modify the chain of command structure for military forces in Afghanistan** to improve unity of command and welcomes the decision to “dual-hat” the position of Commander, International Security Assistance Force, and commander, U.S. Forces Afghanistan.
- Requires the Secretary of Defense to conduct a review of the applicable findings and recommendations made in reports of the ***Commission to Assess the Threat to the United States from an Electromagnetic Pulse Attack*** and to submit a report to the congressional defense committees in the years 2009, 2011, 2013, and 2015.
- **Does not include a provision** that would have required the Secretary of Defense to release to the public, upon request, personal information of students and instructors of the **Western Hemisphere Institute for Security Cooperation** which would have potentially endangered our regional allies and undermined the efforts of the Institute to promote the values of democracy and human rights throughout the Americas.
- Contains a provision that will establish a **Director of Operational Energy Plans and Programs within the Office of the Secretary of Defense** and will establish senior operational energy officials within each of the military departments. The Director is charged with providing leadership, conducting oversight, and managing operational energy plans within the Department. The bill also includes a provision that will require the Director to provide an annual report to Congress that includes not only statistical information on operational energy consumption of the Department, but also highlights initiatives and progress in meeting the Department's operational energy goals.
- Includes a provision that will establish a senior official in each of the military departments to coordinate department-level **Corrosion Prevention and Control Program** activities and to initiate and sustain an effective corrosion control and prevention program in the military department.
- Directs the Secretary of Defense to take steps to **strengthen Civil Reserve Airlift Fleet participation** to assure adequate capacity is available to meet steady-state, surge, and mobilization requirements. The provision authorizes the Secretary to enter into a one-year contract with a minimum purchase amount for charter airlift services under such certain conditions.
- Encourages **increased domestic breeding of military working dogs** used by the Department of Defense.
- Directs the Secretary of Defense to **review the security risks associated with U.S. defense contractors with access to classified information who also engage in space activities with China**. The review includes a review of whether improper disclosure of classified information has occurred and any conclusions regarding the award of future Pentagon contracts to such contractors.
- Directs the Secretary of Defense to **assess the security measures at the NORAD/ NORTHCOM-consolidated command center at Peterson Air Force Base**, and **requires redundant capabilities to be maintained in Cheyenne Mountain** until the Secretary of Defense certifies the new command center has met Protection Level 1 requirements.

#### LAND FORCES

- The final defense authorization bill provides additional funding for force protection needs in support of Operation Enduring Freedom and Operation Iraqi Freedom, including:
  - **\$1.7 billion for state-of-the-art Mine Resistant Ambush Protected (MRAP) vehicles;**
  - **\$3.2 billion for Army tactical wheeled vehicles**, including \$834 million for Up-Armored Humvees;
- Provides **\$8.6 billion for the Army and \$1.8 billion for the Marine Corps to support reset.**
- **Future Combat Systems (FCS) Program**. The final legislation fully funds the “restructured” FCS program and increases authorized R&D funding for FCS by \$33.0 million, while reducing authorized procurement funding by \$137.7 million, for a net reduction of \$104.7 million below the budget request of \$3.7 billion. The final legislation includes several legislative provisions to improve oversight and transparency of the FCS program to include:
  - New annual cost reporting requirements for FCS manned ground vehicles;
  - Additional conditions for the 2009 “go, no-go” DoD review of FCS;
  - An analysis of the FCS communications network's vulnerabilities;

- A requirement for more detailed budget request data for FCS; and
  - Modification of section 802 of the National Defense Authorization Act for Fiscal year 2008 to clarify the status of the Future Combat Systems lead systems integrator and restrict the Army's ability to use the FCS Lead Systems Integrator for full-rate production contracts.
- **M1 Abrams and M2 Bradley.** Provides \$871.0 million to upgrade M1 Abrams tanks and \$706.7 million for M2 Bradley Fighting Vehicle upgrades. Authorizes \$34.7 million in M1 Abrams R&D funding and \$106.4 million for M2 Bradley R&D.
- **Warfighter Information Network – Tactical (WIN-T) Program.** Reduces Increment III R&D funding by \$33.1 million and Increment II procurement funding by \$42.0 million. Withholds 50 percent of R&D funding for WIN-T Increment III pending delivery to Congress updated program cost estimates and technology assessments.
- **Stryker Vehicles.** Authorizes \$1.3 billion for new Stryker vehicles, armor kits, and vehicle upgrades, in addition to \$111.5 million for Stryker vehicle R&D. Reduces authorized funding for Stryker Mobile Gun System vehicles by \$33.1 million due to production delays.
- **Expeditionary Fighting Vehicle.** Reduces authorized R&D funding for the EFV program by \$35.0 million, based on concerns about vehicle protection against IED and mine threats.
- **Army Tactical Radio Programs.** Fully funds the President's request for Army tactical radio procurement. Withholds 25 percent of the requested funding pending a report to Congress on the Army's plans for future radio procurement.
- **Small Arms and Body Armor.** Requires the Secretary of Defense to conduct an assessment of the United States industrial base in regards to small arms and body armor.

#### MILITARY PERSONNEL

- Increases of **7,000 Army and 5,000 Marine Corps active duty personnel** to sustain our required missions.
- Increases **full-time manning for the Army National Guard to 32,060** and the **Air National Guard to 14,360**.
- Includes a **3.9% pay raise** for all members of the Armed Forces in 2009.
- Extends the prohibition the committee enacted last year on **retail pharmacy cost share increases**.
- Extends the prohibition the committee enacted last year on **increases to TRICARE Prime and TRICARE Standard**.
- Authorizes the survivors of service members who die while serving on active duty to receive a **special survivor indemnity allowance** effective October 1, 2008.
- Continues to **advance the care, management and transition of recovering service members**.
- Increases the **benefit cap up to \$36,000 annually under the Extended Health Care Option (ECHO) program for families**.

#### NATIONAL GUARD EQUIPMENT

- Provides an **additional \$800 million for National Guard and Reserve equipment** and expects these funds to be used to address critical unfunded requirements of the Army National Guard and Army Reserve.

#### READINESS

- Includes a provision that requires the Director of the Office of Management and Budget to conduct a comprehensive analysis and develop a single, consistent definition for the term "**inherently governmental function**" in order to ensure that only officer or employees of the federal government or members of the Armed Forces are performing critical functions necessary for the mission of a federal department or agency.

- Requires a forward-looking study on the **ability of the depots of the Department of Defense to provide the logistics capability and capacity necessary for the national defense**. The study will provide a quantitative analysis of the post-reset capability necessary for life cycle sustainment of military systems and also suggest recommendations to ensure an efficient and enduring organic industrial capability.
- Requires the Secretary of Defense to **develop methodology to implement a fuel efficiency key performance parameter in the requirements development process** for weapons systems and also requires that the life cycle cost analysis for new capabilities include the fully burdened cost of fuel.
- Mandates that the Secretary of Defense examine the **feasibility of using solar and wind energy to provide electricity for expeditionary forces**. The bill also requires the Secretary to examine alternatives to reduce the life cycle emissions of alternative and synthetic fuels, including coal-to-liquid fuels.

#### SEAPOWERS AND EXPEDITIONARY FORCES

- Authorizes **\$600 million in advanced funding for the tenth and eleventh LPD-17 San Antonio class ships**, which was the Marine Corps' top unfunded priority.
- Authorizes **\$349 million in advanced procurement for a DDG-51 destroyer**.
- Authorizes multi-year procurement authority and advanced construction for the **Virginia-class submarine program** and provides an additional **\$300 million for advanced procurement of long lead items**, enabling a smoother acceleration to construction of 2 hulls per year.
- Establishes a **policy requiring that all large amphibious assault ships of the United States Navy have integrated nuclear power**. Provides for a waiver by the Secretary of Defense if the Secretary determines that construction of such a vessel with integrated nuclear power is not in the national interest.
- Authorizes **refueling and complex overhaul of the USS Theodore Roosevelt** to commence in Fiscal Year 2009.

#### STRATEGIC FORCES

- Restores **\$309 million for missile defense that was cut in the House-version of the defense bill**. The final legislation authorizes \$410 million below the President's request of \$10.1 billion.
  - Restores **\$124 million for European missile defense interceptors and radars** from the House bill, modifies conditions that would allow construction to begin, and permits initial long-lead procurement of interceptor items.
  - Authorizes funds for the deployment of a **forward-based X-band radar** to a classified location.
  - Authorizes an **increase of \$120 million for Aegis Ballistic Missile Defense and Theater High Altitude Area Defense programs**; authorizes **Ground-based Midcourse Defense** (GMD) at the budget request; and decreases **Airborne Laser** at just \$29.5 million and **Multiple Kill Vehicle** at just \$50 million below the budget request.
- Requires the Secretary of Defense and Director of National Intelligence to jointly **report on national security bandwidth needs and plans for meeting those needs**, in light of the increasing need for greater communications bandwidth.
- Authorizes funds for **major satellite programs**, including SBIRS (\$2.3 billion), TSAT (\$787.0 million), and the GPS III satellite system (\$727.7 million).
- Expresses the **Sense of Congress that insufficient attention has been paid to nuclear weapons matters** within the Office of the Secretary of Defense, and urges the Secretary to clarify lines of responsibility and accountability within his office for nuclear weapons.
- Authorizes full funds for the construction of the **MOX facility at the Savannah River Site**, and directs its execution by the Office of Defense Nuclear Nonproliferation within the National Nuclear Security Administration (NNSA).

#### TERRORISM, UNCONVENTIONAL THREATS AND CAPABILITIES

- Expands "1208" authorities for **Special Operations Command** to support foreign forces, irregular groups, and individuals who support counter-terrorist operations.

- Expands oversight and reporting requirements for the acquisition of **major automated information system programs**, bringing more of the Department of Defense's information technology investments under Nunn-McCurdy-like oversight.
- Expands State and local government **procurement of equipment through the Department of Defense for use in counter-drug, homeland security, and emergency response activities**.
- Directs the **establishment of business transformation offices within each military department** to develop integrated management systems for budget, finance, accounting, and human resources operations, thereby improving business functions and systems architectures within the Department of Defense.
- Provides close monitoring of the transition of the **Navy Marine Corps Intranet program** to the **Navy Next Generation Enterprise Networks program**.
- Encourages closer cooperation between the Administrator of the Federal Aviation Agency and the Department of Defense to facilitate **Unmanned Aerial Systems' access to the National Airspace System**.
- Directs a close examination of **strategic communication and public diplomacy activities** to better formulate a comprehensive strategy, to determine whether the establishment of an independent, not-for-profit organization would prove beneficial to these activities, and to ensure the Department of Defense's organization is optimized to effectively support strategic communication and public diplomacy efforts.

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